

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:94-00007

BILLY G. REED

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 20, 2009, the United States of America appeared by J. Christopher Krivonyak, Assistant United States Attorney, and the defendant, Billy G. Reed, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Keith E. Zutaut, the defendant having commenced a seventy-eight-month term of supervised release in this action on July 30, 2004, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 20, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant possessed cocaine on or about March 22, 2005, as evidenced by his conviction for simple possession of cocaine in state court in New York for which he has served a sentence of approximately 3 1/2 years; (2) that the defendant left the District of South Carolina without permission as evidenced by his arrest in New York City on March 22, 2005; and (3) that the defendant failed to notify the probation officer within seventy-two hours of his arrest on March 22, 2005; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TIME SERVED, to be followed by a term of 72 months supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the following special conditions:

1. The defendant shall spend a period of SIX (6) MONTHS in a community confinement center, preferably Transitions, Inc., and participate in the drug abuse and treatment program available to him. Upon notification that bed

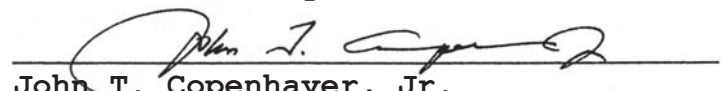
space is available¹, the defendant shall report directly from his place of incarceration to the community confinement center and be transported there by his uncle, Sam Lewis.

2. Once released from the community confinement center, the defendant shall participate in an outpatient or aftercare drug abuse counseling and treatment program as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal. It is directed that the defendant be released from custody in this case on February 2, 2009, no later than 10:00 a.m. so that he may report to Transitions, Inc., Ashland, Kentucky, by noon of that same day.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 2, 2009


John T. Copenhaver, Jr.
United States District Judge

¹ The court has been informed by Senior United States Probation Officer Keith E. Zutaut that the defendant is to report to Transitions, Inc., Ashland, Kentucky, by noon on February 2, 2009.

